

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 2876

In re

Patent Application of

Binh T. Lu, et al.

Application No. 10/725,047

Confirmation No. 2957

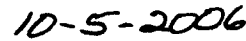
Filed: December 1, 2003

Examiner: Caputo, Lisa M.

“POSTAL STAMP TRACKING SYSTEM AND
METHOD”

I, Jodi Anderson, hereby certify that this correspondence is being
filed electronically with the Commissioner for Patents, on the date
of my signature.


Signature


Date of Signature

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants file this Reply Brief under 37 C.F.R. §41.41 in response to the Examiner's

Answer mailed August 9, 2006. The Assignee of the present application is Lockheed Martin

Corporation, 6801 Rockledge Drive, Bethesda, MD 20817, and its Lockheed Martin Systems

Integration Division, of Owego, New York. Applicants believe no fee is due at this time.

However, please charge or credit Deposit Account No. 13-3080 with any underpayment or

overpayment of fees.

STATUS OF CLAIMS

Claims 1, 3-7, 11-20, and 22-28 are pending and are included in the Claims Appendix of this paper. Claims 1, 3-7, 11-20, and 22-28 stand rejected by the Examiner. Applicants appeal the rejection of claims 1, 3-7, 11-20, and 22-28.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether the Examiner erred in refusing to enter the amended claims filed February 14, 2005. In addition, whether claims 1, 3-7, 11-20, and 22-28 are patentable under 35 U.S.C. §103(a) over various combinations of Tuttle (U.S. Patent No. 5,497,140), Conwell (U.S. Patent Application No. 2002/0135481), Porter (U.S. Patent No. 5,774,053), Barcelou (U.S. Patent No. 6,048,271), Levasseur (U.S. Patent No. 4,008,792), and Fite (U.S. Patent No. 6,467,684).

ARGUMENT

In the Examiner's Answer, the Examiner states that an outstanding amendment was filed on February 17, 2005 and not February 14, 2005. Applicants respectfully note that the amendment in question was mailed on February 14, 2005 and was received by the Patent Office on February 17, 2005. Thus, the filing date should be the mail date of February 14, 2005 and not the receipt date of February 17, 2005.

Substantively, the Examiner has again argued that claims 1 and 3-7 are obvious in view of Tuttle and Conwell and claims 11-20 and 22-28 are obvious in view of Tuttle and Conwell in combination with at least one of Lavasseur, Fite, Barcelou, and Porter.

The Examiner concludes "it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a passive tracking device as disclosed by Conwell in addition to an active tracking device." *Examiner's Answer, page 5*. Thus, even the Examiner seems to conclude that a passive tracking device alone is unsuitable and should be provided as a backup for an active tracking device to assure function should the power supply for the active device fail. As Applicants have noted, the arrangement described by the Examiner as being obvious is completely unsuitable for use. The use of two separate tracking devices on each stamp would at least double the cost of the tracking devices for each stamp as compared to a system that uses only a passive RFID device. In addition, two different types of readers would be required for the different RFIDs. This would require two readers at each reading point rather than just one reader, thus further increasing the cost of the system. The Examiner argues that a "back-up reader would only be necessary if a RFID transponder was malfunctioning." *Examiner's Answer, page 15*. However, this is unrealistic. Postage systems handle mail at a very high rate (thousands of items per hour) and could not simply be stopped

to install a second reader to handle one malfunctioning RFID transponder. The second reader must be in place, ready to read the passive RFID should the active RFID of the Examiner's allegedly obvious arrangement fail.

The Examiner also argues that a passive device is advantageous as it includes "less hardware components" and hence "can be made smaller, which is favorable in the case of a postage stamp." *Examiner's Answer, page 5*. The Examiner does not note which, if any reference teaches these advantages. In addition, these advantages are not applicable to the system the Examiner alleges is obvious (i.e., stamps with both an active and passive RFID). A postage stamp that includes both an active and a passive RFID does not include less hardware than a mailing label with just an active RFID or just a passive RFID. In addition, the hardware required to define both an active and a passive RFID is not smaller than the hardware required to define just an active RFID or just a passive RFID. The Examiner has attributed advantages of a system that includes only a passive RFID to an allegedly obvious system that includes both a passive and an active RFID.

Applicants have argued that Tuttle only discusses drawbacks of using passive RFIDs and thus would lead one of ordinary skill in the art to conclude that passive RFIDs were not suitable for use in mailing label applications. The Examiner addresses this argument by noting "there are well-known advantages and disadvantages to having passive versus active transponders (i.e. passive transponders are smaller (appropriate for a small stamp) and more cost efficient, while active transponders are able to manage more data, while being larger)." *Examiner's Answer, page 15*. Applicants note that the parenthetical information "appropriate for a small stamp" is the Examiner's opinion and is not supported by the cited references. Furthermore, in view of Applicants application, the advantages and disadvantages are well

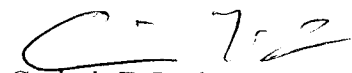
known. However, Tuttle does not address the advantages. Tuttle only addresses the reasons for not employing passive RFIDs. Thus, Applicants cannot find a teaching from within Tuttle that would lead one to employ a passive RFID device.

In fact, Applicants contend that Tuttle teaches away from replacing the active RFID with a passive RFID in a postage stamp application. The Examiner does not directly address this argument but rather states “Tuttle suggests a modification, and Conwell is the reference that is actually teaching the use of a label with a passive RFID device.” *Examiner’s Answer, page 14*. While Tuttle does suggest several modifications, none of them includes the use of a passive RFID. The fact that Tuttle suggests *a* modification does not amount to a suggestion of *any* modification, particularly one from which Tuttle teaches away.

CONCLUSION

In view of the foregoing, reversal of the final rejection of claims 1, 3-7, 11-20, and 22-28 and allowance of claims 1, 3-7, 11-20, and 22-28 is respectfully requested.

Respectfully submitted,



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CLAIMS APPENDIX

Listing of Claims:

What is claimed is:

1. A trackable postage stamp comprising:
a first surface;
a second surface opposite the first surface and adapted to adhere to a piece of mail; and
a passive tracking device including stamp identification (ID) information.
3. The postage stamp of claim 1, wherein the passive tracking device includes a radio frequency identification (RFID) device.
4. The postage stamp of claim 1, wherein the stamp ID information includes encrypted data corresponding to at least two of a date, a location, a postage value, and a unique designation.
5. The postage stamp of claim 4, wherein encrypted data are combined to at least partially yield the stamp ID information.
6. The postage stamp of claim 1, wherein the passive tracking device is coupled to one of the first surface and the second surface.

7. The postage stamp of claim 1, wherein the stamp identification (ID) information is unique to each stamp.

11. A postage stamp dispensing system comprising:
a plurality of postage stamps, each stamp including a tracking device that includes stamp ID information;
a stamp dispenser adapted to contain and dispense the stamps;
a reader operatively associated with the stamp dispenser to read the stamp ID information when the relative position between the stamp and the reader changes; and
a database operable to store the read stamp ID information, wherein each tracking device includes a radio frequency identification (RFID) device, and wherein the RFID device is passive.

12. The system of claim 11, wherein the stamp ID information includes encrypted data corresponding to at least two of a date, a location, a postage value, and a unique designation.

13. The postage stamp of claim 12, wherein encrypted data are combined to at least partially yield the stamp ID information.

14. The system of claim 13, wherein the encrypted data that makes up the stamp ID information is stored as separate values in the database.

15. The system of claim 12, wherein the dispenser is a vending machine and the device reader is part of the vending machine.

16. The system of claim 12, wherein a portion of the plurality of stamps are arranged in a book and the book includes book identification data.

17. The system of claim 16, wherein the reader is operable to read the book identification data and the database is operable to store the book identification data.

18. The system of claim 11, further comprising an imaging device operatively associated with the stamp dispenser to capture an image of the user of the stamp dispenser.

19. A method of tracking a postage stamp, the method comprising:
coupling tracking information to the stamp, the tracking information including
a stamp ID;
dispensing the stamp to a customer;
reading the tracking information as the stamp is dispensed; and
storing the stamp ID in a database,
wherein the tracking information is stored within a passive RFID device.

20. The method of claim 19, further comprising capturing an image of the
customer and storing the captured image in the database.

22. The method of claim 19, further comprising storing a dispensing location
within the database.

23. The method of claim 19, further comprising reading the tracking information
as the stamp is deposited into a postal mailbox, and storing the stamp ID and a mailbox
location within a database.

24. The method of claim 23, further comprising comparing the mailbox location
and the dispensing location, and identifying the stamp if the mailbox location is more than a
predefined distance from the dispensing location.

25. The method of claim 19, further comprising
sensing when an article is deposited in a mailbox;
determining when tracking information was not properly read for all the
articles placed in the mailbox; and
providing a perceivable indication when it has been determined that tracking
information was not properly read for all the articles placed in the mailbox.

26. The method of claim 19, wherein the dispensing step includes dispensing the
stamp as part of a book of stamps, and wherein the book includes book identification
information.

27. The method of claim 26, wherein the reading step also includes reading the
book identification information, and the storing step also includes storing the book ID in the
database.

28. The method of claim 27, wherein the database includes a list of individual
stamp IDs associated with the book ID.

EVIDENCE APPENDIX

Evidence:

None.

RELATED PROCEEDINGS APPENDIX

Related Proceedings:

None.